

Figure in Spy Trial of Soblen Linked to Brandt of West Berlin

By DAVID ANDERSON

Dr. Hans Hirschfeld, a key figure in the recent spy trial of Dr. Robert Soblen, was identified here yesterday by the defense as a former aide of Mayor Willy Brandt of West Berlin.

The identification was made in a motion for a new trial for Soblen, who was convicted in August as an agent for the Soviet Union.

The defense motion declared that the prosecution's success was largely due to testimony that a certain Dr. Hans Hirschfeld had supplied data from the files of the Office of Strategic Services to Soblen for transmission to Moscow.

The defense now contends that the Government wrongfully failed to identify Dr. Hirschfeld or to explain that he had repeatedly denied the spying allegations, once before a grand jury in this city early last year.

Judge Thomas F. Murphy signed a show cause order on the new trial motion. Argument is expected to be heard on Monday. The motion was filed by Ephraim S. London.

In his affidavit, Mr. London maintained that the Government's "denial of knowledge" concerning Dr. Hans Hirschfeld's whereabouts was "misleading, if not false." During the trial, Assistant United States Attorney Richard C. Casey told Judge William B. Herlands that Dr. Hirschfeld was "outside the jurisdiction of the United States . . . I don't know where he is living."

Mr. London said the Government, nevertheless, had on at least three occasions between 1957 and 1960 been able to locate Dr. Hirschfeld "without the least difficulty." He was identified as a person of prominence in West Germany, at that time an aide to Mayor Brandt and a former Director of the West German Senate.

Dr. Hirschfeld's name came into the Soblen trial on July 6 when Mrs. Johanna Koenen Beker, at one time a courier for a Russian wartime spy ring in this city, mentioned him and the late Dr. Horst Baerensprung as German employees of the Office of Strategic Services who supplied material of interest to Soblen. Allusions were made to the development of the atomic bomb.

"The testimony about the military project is not only meaningless in relation to the charge, but was incredible and inherently improbable," Mr. London declared.

He contended that Dr. Hirsch-



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Dr. Robert Soblen

feld had no access to highly classified information. Statements in support of that view, appended to the motion, were received from Prof. H. Stuart Hughes of Harvard University, a grandson of the late Chief Justice Charles Evans Hughes, and Prof. Herbert Marcuse of Brandeis University. Each swore that Dr. Hirschfeld was anti-Communist.

The motion also contended that if the defense had been in a position to call Dr. Hirschfeld or obtain a deposition from him, "it is fair to say that a jury might have given more weight to so respected a Government official than to Mrs. Beker, a self-confessed espionage agent."

Soblen, a 61-year-old psychiatrist suffering from lymphatic leukemia, is free in \$100,000 bail. He has consistently maintained that he knew nothing about Dr. Hirschfeld.

A statement from Dr. Hirschfeld to Joseph Brill, trial lawyer for Soblen, was attached to the new motion. It ended:

"We are in the middle of an election campaign. Willy B. is the candidate of the S. P. D. [the Social Democratic party] against Adenauer. You know the way sinning can be done. How simple to claim that the S. P. D. is not 100 per cent pure against Communist infiltration. Just look at Willy B. one of his closet co-workers has been named as a Soviet agent and a spy!"

"That is the main reason of my writing to you in this unhappy affair of witch—and spy hunting. I don't know why the female or others pick my name. I only know I never did what she claimed and claims. I have never met her before."

GERMAN SOUGHT IN SOBLEN CASE

But U. S. Says Hirschfeld Is
Not Immune to Prosecution

By DAVID ANDERSON

The Government said yesterday that if Dr. Hans Hirschfeld, a former aide to Mayor Willy Brandt of West Berlin, came to this country, he could not be guaranteed immunity from criminal prosecution.

Dr. Hirschfeld was a key figure in the espionage trial of Dr. Robert Soblen last summer. Soblen was convicted of charges that, among things, he transmitted to Moscow data supplied by Dr. Hirschfeld, then employed in the Office of Strategic Services here.

Soblen, sentenced to life imprisonment and now free in \$100,000 bail, is seeking a new trial on the ground that the Government failed to identify Dr. Hirschfeld or indicate that the prominent West German had several times repudiated the allegations against him.

Federal Judge William B. Herlands told Soblen's lawyer, Ephraim S. London, yesterday that he wanted very much to question Dr. Hirschfeld about this case.

Judge Invites Witness

"As you know and as you can assure him, the Court said, 'a witness that comes here under process has immunity from service in any other matter, and he is given a reasonable length of time to depart; so that if Dr. Hirschfeld is concerned, as you say he is, he has nothing to worry about. Nobody will molest him.'"

Assistant United States Attorney David R. Hyde intervened. He said:

"Excuse me, I question Your Honor's statement as to immunity. If a person coming

here is one for whom an indictment might be voted, I don't think his coming here gives him immunity from indictment. Furthermore if he should testify perjurally here in the United States, he would certainly be subject to prosecution."

The question seemed academic after Mr. London had entered Dr. Hirschfeld's view into the record.

"I think I made it clear, and I would like to make it even clearer now, that Dr. Hirschfeld will not come here," the lawyer said. "He feels that he has been so victimized and brutalized by the Federal Bureau of Investigation that he will not set foot —"

"How do you know that?" demanded Judge Herlands.

"By letter that I have received," replied Mr. London.

Nevertheless the Court instructed the defense to try to reach Hirschfeld in Germany today, possibly by telephone, and to invite him to come here.

"I am anxious to have him appear in the flesh," Judge Herlands concluded. He withheld decision on whether to accept a deposition by Dr. Hirschfeld, taken abroad.

Professor Aids Defense

Earlier Prof. H. Stuart Hughes, of Harvard University, a grandson of the late Chief Justice Charles Evans Hughes, testified for the defense. He said Dr. Hirschfeld's Social Democratic party was "for the most part" opposed to communism.

Other witnesses were Joseph Brill and Jacob Friedman, lawyers who handled Soblen's case during trial. Mr. London led them through questions designed to show that they had had no real knowledge who Dr. Hirschfeld was. Mr. Hyde counterattacked with argument that hard facts and clues were in their hands.

The hearing was adjourned until 10 A.M. tomorrow in the United States Court House on Foley Square.